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## TABLE OF AUTHORITIES

CASES
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Bartel v. F.A.A., 617 F.Supp. 190 (D.D.C.1985)
Bisom v. Commonwealth, Civil No. 96-1320 (N. M. I. Super. Ct. 2000)
Bisom v. Commonwealth, 2002 MP 19 (N. M. I. Sup. Ct. 2002)
Bradshaw v. Commonwealth of the Northern Mariana Islands, et al.,
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Brown v. Philip Morris, 250 F.3d 789 (C.A. Pa. 2001)
Buchanan v. Buchanan, 1994 WL 680992 (9th Cir. Wash. 1994)
Cahill v. Liberty Mut. Ins. Co., 80 F.3d 336 (9th Cir.1996)
Canton Beach NAACP v. Runnels, 617 F.Supp. 607 (S.D.Miss.1985)
Charles v. Brown, 495 F.Supp. 862 (N.D.Ala.1980)
Chaset v. Fleer/Skybox Intern., LP 300 F.3d 1083 (9th Cir.2002)
Conley v. Gibson, 355 U.S. 41 (1957)
Daniels v. Williams, 474 U.S. 327, 106 S.Ct. 662,
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Davidson v. O'Lone, 752 F.2d 817 (3 <sup>rd</sup> Cir. 1984)
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Federal Express Corp. v. Tennessee Pub. Serv. Comm'n, 925 F.2d 962
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Flood v. Harrington, 532 F.2d 1248 (9 <sup>th</sup> Cir. 1976)
Forsyth v. Humana, Inc., 114 F.3d 1467 (9th Cir.1997)
Fry v. Melaragno, 939 F.2d 832 (9th Cir.1991)
Goodman v. Lukens Steel Co., 482 U.S. 656 (1987)
Grizzard v. Kiyoshige Terada, 2003 WL 22997238 (D.N.Mar.I. 2003)
Harlow v. Fitzgerald, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982)
Hoffman Plastics Compound, Inc v. N.L.R.B., 122 S.Ct. 1275,
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<i>In re DiGiorgio</i> 134 F.3d 971 (9 <sup>th</sup> Cir. 1998)
Jones v. R.R. Donnelley & Son Co., 541 U.S. 369, 382 (2004)
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LeClerc v. Webb, 419 F.3d 405, 426 (5 <sup>th</sup> Cir. 2005)
Leer v. Murphy, 844 F.2d 628 (9th Cir.1988)
Massachusetts v. Upton, 466 U.S. 727 (1984)
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Siegert v. Gilley, 500 U.S. 226, 111 S.Ct. 1789, 114 L.Ed.2d 277 (1991)	7
Sirilan v. Castro, 1 CR 1082 (D.N.M.I. App. Div. 1984)	13
The Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1872)	20
Strandberg v. City of Helena, 791 F.2d 774 (D. Mont. 986)	15
Taman v. Marianas Public Land Corp., 4 N.M.I. 287 (1994)	8
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Warmbrodt v. Blanchard, 100 Nev. 703, 692 P.2d 1282 (1984)	12,20
White v. Pacific Media Group, Inc. 322 F.Supp 1101 (D.Haw 2004)	21
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Younger v. Harris, 401 U.S. 37, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971)	10
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